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THE LETTERS

OF

FABIUS,

TO THE

RIGHT HON. WILLIAM PITT,

ON HIS PROPOSED

ABOLITION OF THE TEST,

IN FAVOUR OF

THE ROMAN CATHOLICS OF IRELAND.

WITH

AN APPENDIX.

CONTAINING

MR. PITT'S SPEECH IN THE DEBATE OF 1790.

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P R E F A C E.

THE following Letters were drawn up in compliance with a particular request. When the late unexpected change in His Majesty's Councils began to be known, and the still more unexpected cause of it, filled the breast of every well-wisher to his country with apprehension and alarm, a private meeting took place between a few persons, already in the estimation of the public for the soundness of their principles, and their sincere attachment to the constitution, both in church and state. One of the results of that meeting was an application to FABRUS (then at a distance from the anxious scene) that he would turn his mind to the consideration of the Test, and contribute his advice for the direction of the sentiments of the public, on a question which involved so many of its most important interests. The first four of the following Letters were the produce of his immediate meditation, and were forwarded for publication to the editor of the Porcupine, whose known patriotism and steadiness of principle gave him every claim of preference on an occasion so truly constitutional. The 5th and 6th Letters have been since added, for reasons which they will be found to contain. And it hav-

ing been thought proper, that all of them should appear together in the present form, some short introduction was also deemed necessary, in order to vindicate, in a more particular manner, one branch of the argument, of which the Letters had taken only a general notice. Let it not be supposed, that this detail can possibly proceed from any ill-judging vanity, with respect to so slender a publication. No: there is a graver reason for it. It is inserted with the view of conveying to persons in great and powerful situations, that the public welfare is always watched over by individuals who have no private interest to serve by their vigilance; and that, undazzled by splendour, and unterrified by authority, there are those who will ever be ready to enter into salutary combinations for the maintenance of the constitution, not only against the open assaults of its declared enemies, but (sometimes an equally necessary duty) against the lax or unthinking abandonment of it by many who imagine themselves its friends. But to the more immediate business of this Preface.

It is difficult to guess the motive of that conduct in the late Administration, which has been just mentioned. But, from various reasons, the probability is, that it has proceeded from a careless, or an unsound opinion, as to the claims of the ecclesiastical part of our constitution. The connection of religious with civil concerns, is not regarded with the veneration due to so ancient a principle. It is supposed to be some novelty, invented and continued by the Church for its own interest alone, and therefore not of that essential and unavoidable necessity which has been pleaded for it. And hence, it has appeared to follow, as a consequence, that the rights of the Church may at any time be waved, if some new or fancied advantage to the State is likely to be the result;—that the Test now in force against

the Catholics may be properly resolved into some civil pledge:—that the fidelity of the subject will be sufficiently guarded by the operation of temporal engagements alone:—and, that while the Non-Conformist thus satisfies the State, and is himself satisfied, not only has the Church no reason to complain, but the State is also in safety. Some answer will be found to those notions in various parts of the following Letters. The present argument, which addresses itself to the Statesmen, just alluded to, shall be purposely founded upon a state principle. It will here be attempted to prove, that their opinion is contradicted by the universal practice of mankind; and that every where we discover some national Religion established by the State, and applying its sacred services, and its functions, to the civil welfare.

Nothing has been more common among us of late than, upon the authority of some writers of considerable name, to talk of the liberality of the Pagans in this respect, and to extol that amiable spirit of indulgence, that generous absence of all religious distinction which their history is said to exhibit. Let not the Heathens flatter themselves too much. They are praised for other sake than their own; and if Paganism is loved, it is with all the hatred which its admirers owe to Christianity. But, setting aside the motive of their preference, what meanwhile is the true state of the ancient practice?

That there was a national Religion, established by the State, and applied to its civil concerns; that the State set apart the proper funds for the discharge of the sacred services in all cases, and added personal salaries to the officiators in the more solemn ceremonies, no man will deny, who is at all acquainted with ancient history. There were rituals, and persons vested with a sacred character, for the performance of the prescribed ceremonies; and this,

this, not only in matters of mere worship, but in the ever-recurring connection of their worship with the affairs of the public. If war was to be denounced, or peace to be made ;—if public calamity was to be avoided, or prosperity attained, the sacred persons exclusively appointed by the State for these purposes, could alone apply the ceremonies of Religion to its concerns. Nor was this all. The great civil and military officers could only be appointed through the concurrent sanction of the established rites. Without the due performance of these, the appointments were not good ; the parties were said to be *vitio creati*, and they lost their situations. And so great was the force of this persuasion, that the Consuls of Rome were themselves dependent on the previous performance of the same auspices which were necessary to the appointment of the Prætor.

If a national Religion was thus necessary to the creation of the public authorities, were there no fences of this Religion ? Or, did the State allow it to be open to the universal reception of the ceremonies of other Religions, as has been so readily supposed ?—Far from it. And if the reader will consult only Cicero's second book of laws, and the first book of Valerius Maximus, he will see the severity with which their national ceremonies were protected, and the reluctance with which any foreign ones were received. This spirit distinguished the earlier and the better times of Rome ; and its rites were not only scrupulously performed, but exclusively established. If indeed any additional worship, of a more solemn nature, was judged expedient—as the Etrurian rites,—the rites of the Veian Juno, &c.—it was still necessary, that the sacred persons who had the care of the existing Religion, should be previously consulted ;—and we find that they actually assisted in the introduction of such foreign

foreign solemnities. And without their concurrence nothing could be done. It appears that, till the usurpation of SYLLA, the old establishment had been maintained with a patriotic jealousy ; and that the loose admission of alien worship, which began to prevail from that time, was the signal of the departure of Roman virtue.—Till then, the great mark of attachment to the prosperity of their country, was a conformity with its Religion ; and the solid foundation on which it rested, is declared by their writers to have been the strict preservation of their national worship (*patrios ritus*) both in the temples themselves, and in the application of the sacred services to the public concerns. And it is to be hoped, that the commencement of a public corruption will not be pleaded at this time as an argument for the necessity of the same fatal latitude among ourselves. Such was the religious practice of Rome. What was that of Greece?—It was, at least, equally strict, and still more positive, if possible, in its manner of upholding, in one common cause, the Temple and the State. The reader may, if he pleases, turn to the 5th Oration of JULIAN, for the determination of the Athenians to keep their worship free from innovation :—to Suidas for their treatment of Protagoras, who had ventured to doubt about their Gods ;—and to Josephus, who gives them the general character of punishing, without mercy, those who should utter a word against the national deities. But, at present, two instances shall be preferred from the same Athenians, because they have been already applied to this subject by Warburton. When those who were to perform the religious rites, were about to enter on their office, they took an oath to discharge their duty “ according to the established forms.”—And (a more important thing still) when the young men came to that age which authorised them, according to the constitution,

constitution, to take a share in the civil administration, they took an oath, before they were allowed to enter upon any public office, that they would “ defend and protect their country and their religion; and that they would conform to the national worship*.” This is of much importance; and we see, in the conduct of antiquity, the two things meant to be proved in this argument,—an exclusive establishment of Religion, and an admission to civil offices, through an unavoidable necessity of compliance with the demands of that establishment.

It does not matter at all, whether the Religions here spoken of were pure or idolatrous,—fit to be united with a State, or not. It is sufficient for the argument, that a connection of some sort was deemed indispensably necessary:—that the support of the State was given to a system of some regular and definite description, and that such support was exclusive of all worship not acknowledged as national.

These instances have, for an obvious reason, been drawn from the conduct of those nations to which Statesmen are accustomed to look with peculiar regard for the models of public eloquence, for the principles of civil wisdom, and for those systems of legislation which have so long survived the governments that gave them birth. But the principle in question is found, with varieties in the mode of its adoption, in all the civilised world. The ancient empires of the East had a similar policy. Indeed, where they preserve any portion of their political existence, they have it still; for with them customs and manners are immutable. Who does not know

* The first of these instances is quoted from Demosthenes; the second from Stobæus, who has preserved the form of this oath.

that

that the ancient legislators of the vast empire of Hindostan grafted their political on the theological code, and that, to prevent any incroachment of the one on the other, by which both would be endangered, they solemnly invested the priesthood with a sacred character, which to this hour remains inviolate and inviolable? In the boundless tracts beyond the Ganges the same system prevails: "The laws of the Birman Empire (says that intelligent traveller, Col. Symes), like their religion, are those of their neighbours; in fact, there is no separating their laws from their religion."

If this connection be not uniformly visible, the difference appears to be, that, in some States, the will of the Prince had all that authority which, in others, was more properly vested in the laws. This was the case in ancient Persia; it is so in China at this day: but there the monarch is not only invested by his willing subjects, with uncontrollable power, but with a portion of the attributes of the divinity: no heretical or turbulent sectaries can disturb the unity of that empire, since the chief can at all times suppress them with a word. And this consideration should have abated the admiration of Sir George Staunton at the fancied laxity or indifference of the State to the religious tenets of the people; and the indecent exultation of some of his critics at such superficial and ill-digested observations.

Nothing is meant to be said of the Jewish government, which exhibited the most perfect connection of the Temple with the State:—though if there are any who wish to consider that policy as of human contrivance, they must confess that in no part of the world was the principle of a religious establishment ever carried so high. But the Bible affords us many other specimens of it, in the occasional displays of Pagan manners: and it will be sufficient just to hint at the punishment of those Jews who

refused to comply with the national superstition of the Babylonians; and at that of Daniel and others.

What then is the result from this to the subject in question? We see that Paganism had its established religions; and that, from motives of policy alone, it anxiously maintained them, whatever were their inherent vices or defects through the want of a Revelation.—But what of ourselves? We have a tenfold interest in maintaining the same principle; for, in addition to all the common motives of Government, we have to defend that “true profession of the Gospel” which the Reformation of religion gave to us,—which the laws have repeatedly confirmed, and which calls on us for maintenance, not only as we are lovers of the existing Constitution, but as we are Christians.

But an important particular is to be noticed, before this part of the subject is closed. The national establishment of religion has been proved in the general practice of antiquity. But what was the conduct of Paganism to the religions not acknowledged by law?—Here is the great triumph of Christianity; and here, instead of the clamour, we might well expect to find the gratitude, of all nonconformists to the Religion established by law among ourselves.—Paganism,—let it be duly remembered,—was uniformly intolerant to every Religion but that of the State.—In that supposed conversation which Dio Cassius has given us between Augustus, Agrippa, and Mæcenæ, on the subject of the future model of the Roman Empire, the latter is made to give this advice to his Sovereign concerning the Religion of it. “Perform in your own person the duties of Religion according to the national rites, and compel all others to do the same. If any should attempt to make innovations in the received system, let them feel your deep displeasure in the punishments you inflict upon them.—We know, indeed, that persecution,

cution, even unto death, was the lot of those who would not conform to the national worship. And for this we have only to recur to the history of infant Christianity, and the many other examples to be found among the ancients. The latitude of Paganism (especially when public virtue was declining) consisted, as we have seen, in the occasional addition of some new Deity to its ritual. But towards every worship not publicly adopted, one uniform rigour was maintained; and to pray even in private to any unacknowledged Deity, was criminal in the subjects of Rome.—The process of Christianity is different. Not allowing any to share the homage of the “one, true, and only God,” its several establishments have perpetually the same supreme object of adoration. But among ourselves, those who worship God with other than the established forms,—nay, those who encumber the Christian doctrine with their own added superstitions, as well as those who derogate from its demands, by heretical denial,—are all at liberty to do so; and, what is more, their persons, and their unacknowledged worship are yet protected by the laws of the very country, with whose establishment they refuse to conform. And this affords an opportunity of remarking, that in no well-governed State has religious indulgence gone farther than in our own; indeed, in none so far. Our toleration already touches the very boundary of danger. I do not now speak of antiquity. We have had doctrines securely spread among us, for which their authors, on Greek or Roman principles, would have drunk the hemlock, or been flung from the Tarpeian rock.—But the Christian nations of Europe, whether Protestant or Catholic, will not risk their domestic safety by so dangerous a liberality as we indulge,—a liberality necessarily productive of religious schism, and therefore nearly allied to political disunion. The Lutheran States of the North, it is

confessed, are far more restrictive than ourselves. And the Catholic ones, it is still more notorious, are full of zeal for proselytism, and are therefore rigorously penal, in their demands of conformity. At the least, it may be safely averred, that in no one Catholic State, of any influence in Europe, has the Government held out, upon any secure principle of law, that standing protection and encouragement to Nonconformists which are enjoyed by them here. —And what more ought to be asked in their behalf? Shall we, for their sakes, wave the common maxim of Government which the Pagan and Christian world have equally acknowledged? No. And let it be remembered that so much indulgence already granted, necessarily calls for a counterbalance in those guards which remain; and because an ample Toleration is afforded, on that very account ought a saving Test to be still maintained.

Now then it fully appears, that there are few truths more general in their extent, and therefore more capable of being verified by an appeal to history, than that a state naturally seeks for a connection with some religion, from which it draws a sanction for its civil concerns, and to whose sacred services it affords in return a predominant establishment.

It will not be necessary to enquire into the principle of this universal proceeding. The historical practice is sufficient; and the principle is necessarily included in it. However, it is obvious that our own establishment is supported by the laws, as we see in the Coronation Oath, on account of its foundation in the “true profession of the Gospel.” But, generally speaking, there are two motives (independently of any consideration of truth) which have perhaps suggested this practice to the world at large. One is, that religious heresies naturally produce political divisions, and thus counteract that collective

lective and uniform direction of the public power which every State desires. The other is, that the support of a Religion obviously tends to the amelioration of morals; and while some certain profession of it is exclusively favoured, its efforts are more easily within the call of Government for the purpose of promoting a virtuous attachment (the firmest of all attachments) to the State, and the peaceful and conscientious pursuit of the duties of private life.

It is really strange, that the facts here stated, should have been overlooked by any. Still more strange is it, that persons filling high offices, should deem the connection of the Church and State either so novel or so indifferent, that it may be dissolved at pleasure; that the delusive prospect of some temporal advantage should be thought to justify the violation of those religious claims, which are not only reasonable in themselves, but are guaranteed by all our laws, and essential to the Constitution; and that those spiritual sanctions which have hitherto guarded the State, may be securely converted into nothing more than civil pledges.

Hitherto, none but the lovers of revolution, and the patrons of an ill-digested philosophy, had acted on this plan. Burnet tells us of ALGERNON SIDNEY, that he held Christianity to be "a certain divine philosophy in the mind, without public worship, or any thing that looked like a Church." And no wonder. Sidney saw that he could not new model the State without the previous overthrow of the fixed connection which the Church had with it. BOLINGBROKE was so decided an enemy to this connection, that he insidiously imputed the fall of the Roman Empire to the union of Christianity with it by Constantine. And no wonder. BOLINGBROKE had no objection indeed to a religion of mere ceremonies, if it would but consent to be the servile tool of

of his government. But he disliked a Church which stood upon the dignity of its origin, the divinity of its doctrine, and the just rights accruing to it as a spiritual society. Full of the swelling demands of his power, he would allow no participation of it through the claims of the Gospel ; fitted by the arrogance and selfishness of his mind for state pretensions, he never rose to the worthy contemplation of state principles ; and while he professed the pursuit of wisdom, he attained to nothing but his own philosophy.

Another, more mischievous than Bolingbroke, because possessed of more powers of mind, and more art in the direction of them, has sought to detach the Christian Church from the State, by imputing the loss of all public virtue to the influence of the Gospel upon the Governments of Europe. If at any time national danger is viewed with indifference, if cowardice exposes us in the field, or if negligence or treachery betrays our civil counsels, all this is but the natural consequence of a Religion, which refers our chief interest to scenes far distant from the present, which purposely disregards the meanness of earthly objects, and by its destruction of all our temporal energies, proves itself a system perfectly worthy of him who declared that " his kingdom was not of this world." And no wonder that such should be the language of ROUSSEAU. The Gospel which not only purifies the inward affections, but prescribes a conscientious discharge of all public as well as all private duties, must necessarily have been the hatred of him whose conduct was an incessant rebellion against all government, whose life was one uniform perfidy towards God and man ; and whose aim it was to excite a general rapture of delusive sentiment in the human breast, and to make it stand for ever in the room of all fixed principles leading to the regular and sober performance of honest actions.

No wonder that men like these should wish to deprive the Gospel of its rights, and to degrade the Church through which they are maintained. Particularly was it to be expected, that the mad and ignorant revolutionists of the present day should thus act;—men, whose religion does not rise even to the character of a “divine philosophy in the mind,” but with whom all sentiment of devotion is fanaticism, and all outward profession of it a fit object of savage derision and insult. But that men, whose minds might well be supposed to favour the joint prosperity of our civil and religious interests, and whose administration of the public concerns must have tended to fix in their thoughts the strong and legal connection subsisting between them, and the necessity of maintaining its obligation, on account of the practical benefits resulting from it;—that men like these should lightly wish to tear these interests asunder, and risk the most solemn pledges of the Constitution in the attempt to accomplish their desires;—*this* is wonderful indeed! CICERO could say, in an affair of great public concern, “*Exempla me movent in re tam gravi.*” Let our own Statesmen copy Cicero in this. Let them look not only to their own country, but to the world at large, for their present guidance; and they will find (what this short sketch was intended to convey to them) that Christianity is guilty of no novelty in promoting a connection of the Altar with the State, and in guarding it with vigilance when once fixed by the laws. On the contrary, they must perceive that it is a principle recognized, for a great public purpose, by all nations and ages;—that society naturally suggests it;—that empires, however unlike in other respects, have agreed at least in this;—that the wisdom of classic antiquity has particularly favoured it; and that, at this moment,

ment, the Christian States of Europe at large maintain, with far more rigour than ourselves, the principle of ecclesiastical connection and predominance. HERE the *claims* of the Church Establishment are extraordinarily mitigated by a liberal toleration; yet *these*, moderate as they are, it is now attempted intirely to destroy. Let them think of this once more, and then determine whether they will preserve the Constitution which has ever been anxious to bind the Church fast to the State; or whether, having dissolved the present connection, they will adopt some other. Some connection they must assent to*.

The principle of it exists in the spirit of our laws and the genius of our people. They are solemnly called upon to judge between the characters of the different Churches soliciting their preference,—to calculate the just claims of that Religion which is in the present possession of its establishment, and which has forfeited those claims by no act of treachery or disgrace,—and to save their country from that confusion which must unavoidably attend an alteration of the existing system.

* In a work of the most horrid impiety lately published in France, where Atheism is, beyond all doubt, more prevalent than in any former period of the Revolution, I find the following sentiment: “ Des hommes d’état croient avoir tout fait en proclamant la liberté des cultes, et en ne souffrant aucune religion dominante. C’ n’est pas tout.” This may not be enough for the authors of the “ Atheistical Dictionary ;” but it is too much for any nation that wishes to preserve the blessings of tranquillity and good morals. And our Statesmen may see, in the expression of this impious wish, what sort of system they are falling into; while, under the appearance of candour and liberality, they do but gratify the enemies of all religion, by weakening the supports of the established Church.

LETTERS OF FABIUS,

Ec. Ec. Ec.

LETTER I.

SIR,

IMPRESSED with the sincerest respect towards your person, and thankful, in common with millions of my fellow-subjects, for the signal services you have rendered to the State during a period of unusual difficulty and alarm, I must yet animadvert (and with all the seriousness which the subject demands) on the nature of that extraordinary and unexpected conduct which has displaced you from the chief direction of his Majesty's Councils. It is not so much the moment which you have chosen for the measure in question, full of danger as the moment may be; it is the principle of the measure itself on which I feel myself impelled to fix my reprehension. This, sir, is not one of the ordinary mistakes which will frequently occur in the management of the public concerns. It is not an improvident bargain concluded in a moment of hurry or negligence. It is not an useless or impracticable project, hastily undertaken, then abandoned and forgotten by all.—No. It is a fundamental error; an error committed with deliberation against the fixed and unalienable principles of our Constitution: and while it compromises your judgment as

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a Statesman, it reveals to us somewhat too much indifference in you, as a member of the Protestant Reformed Church, established by law in these dominions.

It is your wish, as it is commonly understood, and, indeed, as you have now yourself avowed, to free the Roman Catholics of Ireland from all those restraints which are in force against them through the Test Laws. I know not where you mean to stop. These laws are equally in force against every other class of persons not conforming to the rites and usages of the Church of England; and after such an instance of liberality as that with which you now threaten us, we must expect a general commotion among the Protestant Dissenters, for the purpose of a common exemption. Allow me, Sir, to remind you of your former sentiments on this great question.

A few years ago, you took a distinguished part in the debate which was occasioned in the House of Commons, by the friends of the Protestant Dissenters who wished for the abolition of the test. I have some private reason to know, that when the subject began to be agitated without doors, you found yourself unprovided with materials from which to form your judgment. This is perfectly natural. Your great and various occupations had prevented you from examining a question, which might also on other accounts perhaps have appeared to you somewhat too ecclesiastical to be enquired into gratuitously, and without the call of some Parliamentary necessity. With that frankness which generally characterises a great and intelligent mind, you confessed your unacquaintance with the subject. There were not wanting those whose duty and inclination it was to turn your attention to the books from which the requisite in-

struction

struction was to be drawn. This was done. You studied the question; you applied your best judgment to the arguments for and against it; and the result was, that you combated the proposal of the abolition in an eloquent and well arranged speech, which destroyed the hopes of the sectaries, and gave equal satisfaction, within doors and without, to the true and unequivocal friends of the Church and State.

I am truly sorry that the impression then made on your mind should so soon have left it, or that you should deem the principle which then decided you, to be inapplicable to the present question.—It shall be my business to renew that impression, if possible, and to exhibit from our history the sameness of the principle, affecting equally the Roman Catholic and the Protestant Dissenter.—It requires only to look into the laws of our country, to be convinced of the fallacious opinions of those among us who would separate the views of the two parties. The laws have always regarded them collectively. For what, if the persons are different? Is it impossible that the two parties, however disinclined to each other, should yet have the same common aim against a third? It is not, then, the separation of the persons, but the unity of their object, which has been at all times in the contemplation of the State, and which, on that account, ought also to govern our private judgments concerning it. On this ground it is, Sir, that if, in 1790, you thought the Church was to be guarded from the hostile entrance of the Protestant Dissenters into places of power and trust, the same ought to be your opinion in 1801, concerning the wishes of the Roman Catholics of Ireland. Or has the late Union made any alteration in the principle of their exclusion? Without urging any other argument at present against this

notion, I only beg you to consider your own conduct. Long after the Union with Scotland, and when the attachment of the Protestant Dissenters to the Government was urged from a thousand quarters to gain your acquiescence, you rejected their application. Immediately after the Union with Ireland, the flames of rebellion scarcely extinguished, you propose to throw open the army, the Parliament, and the most confidential offices of the State to the Roman Catholics, whose hatred had first kindled that rebellion, and whose fanaticism made it burn so long and with so much fury! But let us go to the bulwark of the laws. I shall have little to do but to state what they are from the excellent treatise of Sherlock "against a repeal of the Corporation and "Test Acts*." This, I have reason to believe, was among the books recommended to your perusal on the occasion before alluded to. To this, therefore, I shall have to recall your attention in my next Letter, where the argument will be entered upon, to the threshold of which you have been thus conducted.

Meanwhile I have the honour to be, &c.

FABIUS.



LETTER II.

THE Corporation and Test Acts were passed, all of them, in that same reign which exhibited so strange a mixture of private dissoluteness, and

* It would be a great benefit to the community, if this Treatise were immediately reprinted. In the year 1790, there was an edition of it from the Clarendon Press; but I believe it is now scarce.

found legislation. By the 13th Car. II. stat. 2, Cap. 1. it is enacted, "that no person shall in any corporation be elected Mayor, Alderman, &c. who shall not, within a year before his election, have taken the Sacrament of the Lord's Supper, according to the rites of the Church of England." As the return of Members to Parliament depends, in many places, upon a few persons, forming corporations, and as the danger of a disaffected majority in such corporations increases in proportion to the smallness of the total numbers which compose them, this Act was a wise and necessary one. Indeed it was passed, as the preamble to the Act expresses, "to the end that the succession in such Corporations may be most probably perpetuated in the hands of persons well affected to his Majesty and the established Government, and for the preservation of the public peace, *both in Church and State.*" And be it remembered, that if this restraint has been already taken away from the Roman Catholics of Ireland, the only mode by which their entrance into Corporations can be rendered less noxious to the State, is to maintain the safeguards which follow :

By the 25th Car. II. cap. 2. it is also enacted, "that all and every person that shall bear any office, civil or military, &c. shall take the oath of supremacy and allegiance, and shall also receive the Sacrament of the Lord's Supper, according to the usage of the Church of England." And again by 30th Car. 2. it was enacted, that no Member of Parliament should sit and vote till he had taken the oaths of allegiance and supremacy, and made a declaration against the belief of transubstantiation in the Lord's Supper, under penalty of losing his seat, &c. And this was done, because, as the preamble expresses it, "though divers good laws had been made for preventing the increase and danger of Popery, they

“ they had not had the desired effect, and recusants
 “ still had liberty to sit and vote in Parliament,”
 &c.—The former Act, we find, was made expressly
 against the Protestant Dissenters, though it extended
 also to the Roman Catholics. The latter, which by
 a strange reverse, you wish to abolish in favour of the
 Roman Catholics, were expressly directed against
 them; though, indeed, they virtually extended their
 application to Protestant Dissenters also: and after-
 wards by the Act of Toleration of King William, the
 Test was declared to have that meaning and extent.
 And the Acts together are stated by 10th Queen
 Anne, cap. 2. “ to be made for the *security of the*
“ Church of England as by law established.” But
 does this distinguished mention of the Church con-
 fine the intention of the Legislature to that object
 exclusively? No: for, as it has been well observed
 by Sherlock, “ they are, notwithstanding, in the
 “ sense and eye of the law, acts for the preservation
 “ of the established government of these realms;
 “ *which was always understood to include matters ec-*
clesiastical as well as civil.” And who are the parties
 over whom the State preserves this restraint? The
 same authority will tell you. They are not Roman
 Catholics merely; not Protestant Dissenters merely.
 Our laws, in their terms, and signally in their spirit,
 have an universal exclusion; and they uniformly
 treat upon equal terms “ Non-conformists of all
 sorts and descriptions.” An important connection!
 Sometimes, indeed, it is not observed; but some-
 times it is wilfully broken.

And what was the reason of this vigilance of the
 Legislature against the Roman Catholics on one hand,
 and the Protestant Dissenters on the other? When
 we separated from the Church of Rome, it was still
 kept in mind by the Reformers, that the visible
 church of Christ was to be maintained, and in the
 same purity to which they had brought it from the
 errors

errors of Popery. While, therefore, the true faith was preserved by the Reformation, the outward constitution of the Church, which taught that faith was also to be guarded ; the one being the indispensable attendant on the other. This was done, on the one hand, by vesting the supremacy of it in the throne, which undertook to defend it on the principles then recognized; and on the other hand, by enacting restrictive laws against those who were likely to make any attempts, ecclesiastical or civil, to throw the establishment back again into that corrupt form and discipline into which it had been happily rescued. And let God and man judge of the right we had thus to reform the National Church, and to protect it, when reformed, by that alliance with the State which was alone competent to its preservation.

What again was the motive of the Legislature in its vigilance against the Protestant Dissenters? They had recently shewn " what spirit they were of." They had broken through all public order; overturned the throne; plundered the Church; and established a rigorous Presbytery upon its ruins. At the happy return of the Monarchy, they were not dealt with according to the measure of their own enormities. A clemency almost reprehensible (if clemency can deserve our reprehension) covered their past transgressions; and it was only provided by the Corporation Act, &c. that the Church and State should be shielded from future mischiefs at their hands. Without receiving the sacrament according to the established rites, which seemed the most convenient and effectual Test for proving their attachment to the Church and State, they could not hereafter possess those situations which might facilitate their attempts to destroy once more both the one and the other. And here again God and man may be called upon to judge between the moderation of
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the Church, and the provocations of its enemies. One remarkable thing may be observed in this part of the subject. The Test Acts, followed as they have been with so much calumny, have yet proved themselves acts of mercy. They became, as it were the representatives of the former penal laws; and it is an historical fact, that, from the time of passing these Acts, the penal laws began to fall into disuse. They became mere words in the statute book; and there was no longer an occasion to put them in force, guarded as the Church and State now were by the tranquil and effectual operation of the Test. I need not add more on this head; as the right and propriety of establishing this safeguard must be felt by all. If there is still a doubt, recourse must be had again to Sherlock, who demonstrates with perfect method and clearness the two points essential to this argument, viz.—“ That it is lawful to confer fine offices of power and trust in the Government, to such as are obedient and well affected to the Ecclesiastical State and Constitution of the Realm.” And again, “ That it is farther lawful to require of any man who is willing to accept an office civil or military, that he should communicate with the Established Church, and particularly, that he should receive the sacrament, according to the usage of it, in order to prove such his obedience and affection to the Ecclesiastical Constitution.”

We have now seen in what manner the restoration of the Throne came to the aid of the Reformation of the Church, and by what means the safeguards thrown around the one became, upon the same common principle, the security of the other also. I will now pass on to the illustration afforded to this fundamental maxim in the conduct of the Revolution.

It has been, Sir, one of the characteristics of this country (and no man knows this better than yourself)

self) that in the most important of our national events, when the Throne was to be re-established, or secured, the Legislature has constantly looked for precedents, and, when these have failed, to the old and genuine spirit of the Constitution. We have anxiously enquired for the foundation of the Church and State; and it has been our pride and happiness to remove the corruptions which had been introduced into both, and to bring them back to their pristine strength and purity. I shall, by and by, have a more particular occasion for this remark. Meanwhile, I will only observe, that when the Revolution was completed, and the old establishment had received those fixed securities which the late dangers had rendered indispensable, the Legislature approached King William with the congratulatory declaration, that now "His Majesty's good subjects" were *restored* to the full and free possession and "enjoyment of their religion, rights, and liberties." 12, 13 William III. cap. 2. And what were the things thus restored, and settled, as we hope, for ever? The principles of the Reformation of the Church from the errors of Popery, and the restoration of the Throne from the tyranny of the Presbytery, and the firm alliance of both in the indissoluble bonds of Christian truth and civil security. On this, Sir, was the Revolution founded, and the Corporation and Test Acts received by that event a confirmation which every lover of his religion and liberties will support under every extremity. We all know in how loose and ignorant a manner the degraded Whiggism of our present clubs and taverns founds its own sedition upon that Revolution, which at the same time it vilifies and extols. They cannot, or will not, see the true principle of the Revolution. It was no new or licentious principle, changing the Church and State for the gratification of passion or political theory. No, it was another restoration of

the religion, the rights, and the liberties of both. And this establishment the true Whig (especially of so eminent a cast as yourself) should be the last of all men to violate. The open abolition, or the secret relaxation of any part of it violates the mutual rights of both, which, as we see, were always conjoined by the laws, and throws it back again towards the nature of a Church and State, hostile in all their principles and practice to the Church and State now established in these dominions.

Allow me to point out another thing. The restraints so grievously complained of, are restraints in an equal measure on the Sovereign and the Subject. By the 12, 13 Wm. III. cap. 2. it is provided, that “Whosoever shall hereafter come to the possession of the Crown, *shall join in communion with the Church of England, as by law established.*”—But what! Shall the Sovereign be bound, and his Subjects left loose? Shall the Throne be necessarily Protestant, and shall the offices intended for its lustre and support be Catholic at will? Shall the spirit of the Test be partial? And shall a Romish Administration be at liberty to give incongruous advice to the Supreme Head of the Reformed Church?—No, Sir. And I call upon all that is truly Protestant in the nation to resist the attempt. At all events you must be prepared to go through with your principle. If you wish to take off that restraint which affects his Majesty’s promotion of any but his Protestant servants—for, as I said, the restraint is equally on the King and the Nonconformist—you must add to it the exemption from that other restraint, by which his Majesty is bound, in his own person, to hold communion with the Church, as by law established. Are you prepared to do both? Even if you should be ready with your double licence, his Majesty will not violate his conscience with the acceptance of either. His excellent heart
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will teach him to answer, "No, I have sworn to maintain, in my own person, the principles of the Church established by law. I have undertaken to maintain the same in the persons of others, whom I appoint to places of trust and confidence under me—and, by God's help, I will be faithful to both these pledges." If the spirit of King William is at this time permitted to partake of our earthly concerns, how must he be delighted to see the principles of that pure religion, for which he so strenuously laboured, and so valiantly fought, thus inflexibly supported by his illustrious successor!—If the spirit of James II. is equally capable of such contemplation, with how fatal a satisfaction must he now behold you, Sir, endeavouring to accomplish that, which it cost him his Crown to attempt!—The Test Acts which you wish to set aside, were our great barrier against the Catholicism of his reign; nor was there any thing which he so much laboured to obtain from his Parliament, as the abolition of them. The Parliament was Protestant, and would not consent: he therefore employed his dispensing power. And, it is extraordinary, but true, that his "declaration" upon it is the storehouse from which the enemies of the Test have ever since drawn their arguments against it. I am equally afraid, that hereafter the enemies of these Acts (for the Acts will assuredly be continued, whatever may be your hopes or exertions to the contrary) may recur to your example, and stimulate the reluctance of future Statesmen by adducing the present desire for their abolition, in one of the greatest Ministers this country has ever possessed. I turn again with joy to King William. It is equally fortunate for his memory, and decisive for his sincerity, that application was made to him before his accession, for the purpose of obtaining the repeal of the very Acts in question. What was his answer, through Mr. Egel, to the proposal of King

James in favour of the Catholics? “ Their Highnesses ever had a profound submission to his Majesty, &c. &c. but since the matter that was then in hand related not to the making of new laws, but to the total abrogation of those already made both by King and Parliament; their Highnesses did not see how it could be expected of them, that they should consent to such an abrogation, to which they had so just an aversion; as being a thing contrary to all the laws and customs of all Christian states, whether Protestants or Papists, who admitted none to a share in the government or public employments, but those who professed the public and established religion, and endeavoured to secure it against all attempts whatsoever.” And when this excellent Prince was afterwards on the Throne, and the Protestant Dissenters in their turn demanded of him what had been before demanded for the Roman Catholics; what was his conduct to them too? Precisely the same. He gave them a *toleration* (which continues in full force) but nothing could induce him to consent to an abolition of the Test.

I have the honour to be,

With great and sincere respect,

SIR,

Yours, &c. &c.

FABIUS,



LETTER III.

I COME now to a point of particular importance. It was before observed, that in the direction of our great national events, the laudable custom of the Legislature had been to look to the ancient foundations

tions of the Constitution, and to make them the ground-work of the measures which the times demanded. When the Union of England and Scotland was about to take place, this was scrupulously observed. Such, Sir, was the persuasion of the Statesmen of that time concerning the maintenance of all that had been hitherto done for the Constitution, that they made this an essential and indispensable principle of the new measure. In order to quiet all minds, and to shew that no part of our religious establishment was to be given up a sacrifice to the political advantages expected from the Union, they introduced it with a *preliminary Act for securing the Church of England as by law established*. They would not receive the other great benefits of the Union, without previously giving this pledge of preservation to the Established Church. They cite, by their titles, some of the former Acts of Elizabeth and Charles II. and conclude generally, “that all other and singular Acts of Parliament, now in force for the establishment and preservation of the Church of England, and the doctrine, worship, discipline and government thereof, *shall remain and be in full force for ever.*” This Act is inserted verbatim in the Act of Union, and, as Sherlock long since told you, it is “declared to be an essential condition of the said Union, an essential and fundamental part of the Articles and Union.”—And at the same time that additional provision was made, which, if all other help fails us, will, I am persuaded, be effectual to us in his Majesty’s hands. “It was farther enacted, that after the demise of her Majesty, &c. every King or Queen, succeeding or coming to the Royal Government of the kingdom of Great Britain, at his or her coronation, shall, in the presence of all persons who shall be attending, &c. take and subscribe an oath

“ to maintain and preserve inviolably the said settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the kingdoms of England and Ireland, &c.”—That the Test which you now propose to set aside, was comprehended in this general clause of maintenance, is obvious from the very nature of the thing. If there is any doubt about it, it is openly removed by another Act of the same reign, in which the Corporation and Test Acts, taken together, are expressly stated to have been made, both of them, for “ the security of the Established Church.” And we have just seen that “ all and singular Acts of Parliament, then in force for the establishment and preservation of the Church of England,” were in the contemplation of the Act of Union, and were necessarily involved in the general maintenance there pledged for them.

I grieve to turn my eyes from this well-guarded measure to the late Union with Ireland. For what do we see in it? I have nothing to say as to the commercial and financial parts of it. I suppose them to be sufficiently well arranged. But, in the great article of Religion, as it is compounded with the State, and essential to its preservation, I cannot perceive that it has been concluded on those principles which have hitherto been our guides. Has there been any sufficient retrospect to the ancient foundations of our Church? Has there been any attention to those maxims which, in the undeviating opinion of our forefathers, should link it inseparably to our civil interests? No. In spite of the intimate and vital alliance between them, they have been rashly viewed as capable of a separation. Not only has no final pledge of security been genuinely given to the Established Church previously to this Union (as was the case with Scotland)

Scotland) but her injuries, either by some express pledge, or (which is the same thing) by tacit intelligence, have been left to follow as the very price of it.

To no purpose was the Church once reformed and allied to the Throne; to no purpose was the Monarchy restored, and again fast bound to the Church: to no purpose did the Revolution prevent those mischiefs which threatened the existence of both, and fixed them anew in the bonds of their ancient connection: to no purpose was the Union with Scotland conducted with so reverential a regard to the established rights of the Church of England. The Union with Ireland has marred this standing caution; and either by the negligence or the obstinacy of its conduct, has shamed the wisdom and the piety of ages. It has counteracted all the proceedings of our forefathers: perverted those principles which had been regularly cherished and acted upon by them in our great national concerns during successive generations; and with the model of an Union before its eyes, it has scorned all safe and wholesome precedent, and sacrificed one essential part of the State to the preposterous benefit of the other! But perhaps you will bid us go to the Union with Ireland, and turn once more to that article of it which, having joined the Churches of the two countries together, declares that the Protestant Religion now established in them shall be preserved *for ever*.—If *for ever*, Sir, why do you meditate an immediate alteration? Is this right reason? Is it good faith? And having quieted the Church with a solemn article, ought you to let loose her enemies against her, while she reposes on the security of your pledge? When those Statesmen who conducted the Union with Scotland, affirmed the eternal obligation of their act, did they afterwards reason as
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you now do? Had they a mental reservation, which should invalidate their outward Convention? Did they conceal, from the members of the Established Church, any private engagement which should vacate the obligation publicly contracted in their behalf? Did they to-day declare their act to be *for ever*, and did they prepare themselves to break through it on the morrow? No. And the quiet of the Church has borne testimony to their integrity. But the Union managed by you, "*is not done when 'tis done*;" and the question returns to what has just been affirmed of it. You have departed from the wholesome precedent existing before your eyes.—You have soothed us first, in order to alarm us afterwards, and, indeed, have "paltered with us in a double sense."—In vain can it be urged, that the present measure may be now entered upon without danger to the Established Church. It is of the very essence of an honourable bargain, to declare all the terms of it before its completion. And can you imagine that if the Church had known your secret intentions against her, she would have consented to the Union?—Nor will it be sufficient to say, that any later reasons have impelled you to the measure which was not at first in your intention. You have precluded yourself from all such excuse. Whatever might have been your real views, the actual terms of the Union maintain the Established Church *for ever*. And no fancied advantage from second thoughts can release you from an obligation which is eternally fixed.

This, Sir, is what I have taken the liberty to object to your intended arrangement. I have adduced that body of evidence against it which the general tenor of our Protestant History so strikingly affords: and it will be your business, on the day of debate, to adduce in its favour some transcendent

dant benefit which shall compensate to us for the dereliction of our former principles, and make us content to sacrifice our long-tried constitution to your new scheme of security for us. I shall be told, perhaps, that I reason upon grounds already known and allowed; and that it is the peculiarity of the present case, which renders this old constitutional language no longer applicable.—What is this peculiarity?—Is the Test to be now surrendered, because an equivalent safety is to be offered to us in some other shape? Is it not obvious to remark upon this, that if the Test is grievous, and a genuine equivalent is to be offered for it, the grievance, such as it is, must still be felt, though in a different mode? The restraint will only change its position; and thus things may better remain as they are. On the other hand, if it is not an equivalent, the argument is at once surrendered; for the Church and State are confessedly betrayed. But if a compensation is to be given, where is the equivalent to be found, on which our safety is to rest?

Is it to be found in the more moderate principles of the Roman Catholics, which may now be relied upon without the maintenance of our ancient safeguard?—I answer, the same thing has been repeatedly urged for the Protestant Dissenters in aid of their applications to the same effect: but neither the Legislature nor yourself would lend an ear to them.

Is it to be found in the small number of persons to be returned to Parliament from Ireland? I answer, that which depends upon principles is not to be argued upon a comparison of numbers. Besides, the danger to our Protestantism is scarcely the less. It is the genius of Popery to carry on its never-ending work at all times and under all disadvantages. On this account it is always formidable;

midable ; and our present experience joins with all our history in proving, that in the most depressed state of the Papacy, and the societies dependent upon it, the cause of the Reformation has as much reason to guard against the secret agency of it, as against its open violence in the day of its power.

Is it to be found in some new and comprehensive declaration of attachment, &c. which the Roman Catholics are to offer in satisfaction for our abandonment of the Test?—I answer again, the object of the state, particularly in conferring places of trust and power, is to be served by subjects who bear a genuine attachment to all its interests, in all its parts. But the Protestant church is one of its essential parts, and involves some of its dearest interests. What declaration then shall justly satisfy its demands? And how shall we suppose, amidst whatever form of words, a sufficient attachment towards the Established Church on the part of Roman Catholics, whose standing and indefeasible creed is expressly hostile to that Reformation which placed the supreme headship of the church, not in the asserted successor of St. Peter, but in the sovereign of these dominions? Will any honest Catholic surrender this persuasion to the demand of the State, and support the Church by law established? I know, indeed, that certain lax books, written by unsound members of Rome, have affected somewhat of this language, and held out an apparent indifference towards some of those essential points which have always kept the two churches asunder. But what has been pronounced of a late treatise of this easy sort by the graver order of Catholics? That the book contained “unwarrantable and damnable doctrines.” But we have a sure and constitutional authority for our reluctance against the admission of professed Catholics into places of power. What have we just seen to be the declaration of the Prince
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of Orange to King James? "That it was the custom in all states, whether Papist or Protestant, to admit none to a share of the Government, or public employments, but those who professed the public established religion, and endeavoured to secure it against all attempts whatsoever." This, Sir, is comprehensive language. It represents the inflexible practice of all states. It shows to us the Roman Catholics invariably demanding that conformity which they now refuse to give to ourselves. And why must we relax in our attachment to an eternal principle? The two chief features in the character of a trust-worthy subject, as described by King William, can be found in no Roman Catholic. They not only will not profess our established Religion, but notoriously wish for its subversion: and though they might go so far as to allow the Church to be at peace, without taking any steps to injure it, what theorist will be visionary enough to suppose, that they will be ready to "secure it against all attempts whatsoever;"—attempts, for instance, from foreign quarters, to throw it back again into the grasp of their own Popery?—No. We must find our safety in our own reluctance; and to act otherwise, is to scorn, at once, all reason and all example.

But if we are not to talk of an equivalent for the safety we now find in the Test, I can only suppose that we are to be flung upon the necessity of the case. We shall hear, perhaps, that the Test ought to be surrendered by a kind of indispensable consequence arising from the nature of the Union.—Not so, Sir; unless negligence or treachery is to draw the conclusion. Without a word of argument upon it, it is sufficient to answer, that the Union with Scotland was not concluded till the entrance of the Nonconformists into those places which might injure the Established Church of England, was pur-

posely prohibited by law ; and this has been faithfully observed.

I will suppose but one thing more : Will it be argued that the Test ought to be surrendered as a compensation to the large body of Catholics in Ireland, who have first complimented us with the surrender of their independence ? This will not hold. When it was lately argued, that so many millions of Catholics ought not to give up their rights to a handful of Protestants, it was answered, that they were to look on themselves as belonging, not to Ireland exclusively, but to the empire at large. And the same must be our answer still.

I have only one caution more to state on this subject. I foresee, that in the approaching debate, those penal laws which may yet remain against the Nonconformists will be confounded with the Test Acts. These Acts, Sir, are not penal Acts : but, for obvious purposes, a simple restraint will be classed by those who have an interest to dislike it, with a positive punishment. When King James wanted to abolish the Test, he coupled this project with another for the establishment of a toleration. His insidious policy was to infer the futility of the two things. He made his toleration the shield of his giant design upon the Test. “ And behold, one bearing a shield went before him.” We know the event, and have already described it. King William knew well the boundaries of the two things : when he came to the throne he granted a toleration : the Test he inflexibly preserved ; it still remains, and I trust in God, and his blessing on our Protestant efforts, it will still remain. I have the honour to be, with great and sincere respect,

Sir, your's, &c.

FABIUS.

LETTER

LETTER IV.

IN my former Letters addressed to you, on the subject of the Test Acts, I urged the necessity of the present maintenance of them, from the past attachment of the Legislature to the wisdom and efficacy of their provisions. They were found to be the surest safeguard of the Reformation: and since principles are eternal, and change not with the fluctuating interests of persons, they are therefore to be preserved; and they will be preserved as long as the cause of the Reformation itself is cherished by us. This perhaps might suffice. But it may not be wholly unnecessary to add a few words on the nature of that *connection of the Church with the State*, which renders a test of conformity with the one a necessary pledge of fidelity towards the other.

This has been a celebrated question from the age of the Reformation to the present time. It has been anxiously asked, whether the Church and the State were two societies, or one and the same, though bearing two different names? If the same, whence originates the authority of the Church, and what is its object? If not, can the two societies come together? If they can, is it their duty to do so? And if it is, what are the principles on which their connection is founded? Not only different churches, but different persons (and those too of great eminence) in the same Church, have entertained very opposite opinions on this subject. It has been the invariable tendency of Popery (and I hope it will be always remembered) to bind the State so effectually to the Church, as to bring the civil concerns into subjection to its spiritual authority.

This, it is obvious, is not a salutary connection of the two societies, for the benefit of their mutual interests, but an overwhelming ascendancy which buries the just independence of the one in the assumed controul of the other. And let the State beware, lest, on the present occasion, while it consigns the Reformed Church a captive once more to the ancient Popery, it forge also its ancient chains for its own hands.

Contrary to this was the outward doctrine of the Puritans. They ostensibly taught, that “the Church
“ and Commonwealth being societies totally dis-
“ tinct by nature, there is a separation perpetual
“ and personal between them.” However, when they had a Church and a State in their own hands, we know too well in what manner they contrived to call in the authority of the one for the purpose of establishing the doctrine of the other. Whitelock tell us, that in 1649 Parliament came to the resolution, “that the Government to be *established*
“ in England shall be the Presbyterian Govern-
“ ment.” And what was to be done with the other Churches professing Christianity? By the same authority it was ordered, that “a way shall be pro-
“ vided for admission of all such Churches as tend
“ to godliness, and to advance the kingdom of Jesus
“ Christ, *to be free without disturbances!*” * And here again the Legislature has to learn, that in spite of the standing clamour against the present connection of Church and State, the very party which maintained their eternal separation were as ready as all others to join them together, in order to support the ascendancy of their own faith. An important lesson to the Church too:—teaching it what is to be expected from the overthrow of its establishment.

* Mem. of English Affairs.

At the best, it has only to look to a "freedom without disturbances," under an establishment of a different nature. This "freedom" is indeed genuinely granted by the Church now established among us to all those who dissent from its worship and doctrine. We know too well, that, notwithstanding their profession of indulgence, they never would grant it to the Church when they had the power of withholding it. Keeping the interpretation in their own hands, I suppose they must have concluded that our Church did not "tend to Godliness, and to the advancement of the kingdom of Jesus Christ;" and therefore was not fairly entitled to be "free without disturbances." But I pass on.

About the time of the accession of his Majesty's illustrious line to the throne of these dominions, a signal controversy on this subject took place between the Churchmen themselves. The question in which HOOKER had been engaged with the early Puritans was revived in another shape. He had proved against them "the right of Civil Princes to ecclesiastical dominion*." Now the Ecclesiastics were divided concerning the nature of their own Church and of the State, and the powers and limits of the two societies. It was the unhappiness of Hoadley, that he either misunderstood or misrepresented the nature of religious liberty. Reasoning wrongly upon the declaration of Christ, that "his kingdom was not of this world," he disallowed the spiritual prerogatives of that establishment in which he yet permitted himself to hold so distinguished a station. He broke down the fences of the Church, in order to throw it open to one great scheme of *comprehension*, and converted the prescribed confession of

* Ecclesiastical Polity, book viii.

our faith into *mental sincerity*. And, as a chastisement for this tenet, among others, he had the chagrin of reading, without the power of answering, those letters, as sprightly as they are argumentative,—as entertaining as they are truly Christian, which Mr. William Law wrote against him. In short, while he argued against the due authority of the Church, and the maintenance of those Tests which it reasonably demanded for its security, his conclusions went equally against the establishment of any national Church at all. In opposition to him, came Sherlock. With ecclesiastical learning, and distinguished powers of reasoning, he proved the right and necessity of a fixed security to the Church; and he defended the Test Law on those strong grounds which have been already mentioned in a former Letter, and which, therefore, I will not repeat here. One thing alone seemed to be wanting. Sherlock, in his anxiety for the safety of the Church, had bound it fast to the State; making the primary duty of the magistrate to consist in the support and furtherance of the Established Religion. This appeared to some to narrow the grounds of toleration; and it seemed desirable to put the question in some other point of view, which should exhibit the Church and State originally independent of each other, yet allied together for their mutual good; and which, at the same time, should reconcile the security of the Establishment through a Test, with a *rightful* claim of toleration on the part of those who dissented from the Church. On this plan the genius of Warburton constructed his celebrated book, called the “Alliance between Church and State.” In order to save the trouble of those who will hardly go through so extensive a treatise for the sake of making up their minds on the present occasion, I will give a brief analysis of his principles,

ples, which he draws from the wide law of nature and nations.

He begins with shewing the use of Religion to society in all ages; and describes the universal experience and practice of mankind upon it. Enquiring next, from whence so general a use arose, he finds it to come from those defects in morals which civil society, apart from religion, never fails to exhibit. He then examines the nature of Religion. From the words and appointments of Christ and his Apostles, he proves the Church to be a society in itself. Then comparing the two societies, he finds that the object of the civil is the *body*, and the interests belonging to it: that of the religious, to be the *soul*, and its proper concerns. From hence it follows, that, moving in separate directions, and having no common origin, they are, each of them, sovereign and independent. But, for the sake of promoting that moral and religious good, which civil society alone can never attain, it is necessary that an impulse should be given to it by spiritual communication. Here then the alliance takes place by the free will of each. But if the Church imparts good to the State, it is proper that it should receive some advantage in return. What are the advantages thus received by the Church? A public endowment from the State for its Ministers, *exclusively of all others*: a place for its superior members in the court of legislature, and a jurisdiction, assisted by coactive powers, for the reformation of manners. From hence follows, as a necessary consequence, the freedom of religious opinions, and a rightful toleration. For the State, which seeks only its own advantage by the alliance, and which in itself has nothing to do with the *soul*, will not confer a power on the Church to punish mere opinions. It looks only on the outward act as it may be prejudicial to the public, and not to the inward opinion, and

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therefore desires nothing more than sound manners as essential to the prosperity of its own administration.

What again are the advantages received by the State? The supremacy in ecclesiastical matters. The Church resigns to it her proper independency, constitutes the King her supreme head on earth, and stipulates neither to administer nor decree any thing without his application and permission. From this alliance result the two great benefits so much desired:—one, to all who are within the Church; the other, to all who are without it. To the latter is necessarily extended a full and free toleration. To the former is granted the security arising from a fixed Test, which shall preserve its faith, and exclusively uphold its establishment, in return for the resignation which it has made to the Throne of its original and rightful independency.

From this short sketch of the opinions which have been entertained on this subject, we are enabled to draw one certain and useful conclusion. To whatever mode of explanation we attach ourselves,—whether with HOOKER we maintain the sameness of the person comprehending both the subject of the State and the believer in Jesus Christ; whether with Sherlock we bind up the guardianship of the Church in the sovereign and inalienable duty of the Magistracy; or whether again with Warburton we compound an artificial with a natural personality; and view the Church and State originally independent of each other, but coming together for the promotion of their mutual benefit; I say, in whatever manner we interpret the connection, this one undoubted and practical truth will be the result. The alliance which the State has with the Church (however the alliance was produced) is, by the laws and the practice of ages, contracted with *one particular Church, of one denomination, and of one determined doctrine*

rine and discipline. I beg, Sir, you will give your particular attention to this. If you violate that principle of exclusive security for which the State stands practically pledged to the Church, you dissolve that connection between them which has been acted upon from the time of the Reformation. On the faith of this special guardianship, the Church offers her submission to the Throne, and looks not to any other Head upon earth. If you give the proposed encouragement to the enemies of the Reformation—if you throw open the Protestant Establishment to the recurrence of the ancient Popery, you at once let the Church loose from its subjection, and, by authorising the subject to look to a paramount Head of the Church elsewhere, you destroy His Majesty's sole and rightful claim to that supremacy which the Reformation settled on the Sovereigns of this country for ever.

I have the honour to be, &c.

FABIUS.



LETTER V.

I HAVE been thus far employed in pointing out the fixed and immutable principle of the Test Acts, the constant solicitude of the legislature towards them, and the nature of that connection of the Church with the State, which makes an attachment to the one a necessary condition of admission to the other. But it appears that enough has not yet been done. There are certain popular objections which it is necessary to remove, and certain observations which the Coronation Oath requires to be added, if my argument is to be considered either useful to the

public, or complete in itself. Of the objections there are two in particular, which, from the mischievous use that is made of them, call for some refutation. One springs from the unlimited claim pleaded for his Majesty's subjects against all Tests; the other, from the imputed profanation of an holy rite, and the supposed impiety of applying a sacred ordinance to a secular purpose. I begin with the universal right of the people to a free participation in the honours and emoluments of the State;—not that much novelty of defence can be expected at this time on a question so fully discussed already. But it is quite sufficient if the Church is preserved by arguments of whatever date; and if we are assaulted with the never-ceasing revival of ancient error, it is fairly allowed to oppose it with the revival of that ancient truth which has already triumphed over it.

Let us suppose then, for the sake of argument, that the right here pleaded does really exist. What then? Is it on that account to be put in force? Or must we not treat this, as we do many other natural rights, the claims of which are so much more urgent upon us? Yes. According to the common method used in such cases, we must view our right, not in itself alone, but in its complicate connection with society; and either indulge or repress it according to the general good or evil consequences it may be likely to produce.

In a country, Sir, where a most liberal Toleration has called forth a great diversity of religions, is it not obvious, that if there is no exclusive establishment of some one Church with the fences necessary for its maintenance, either there will be no Religion left (a dreadful alternative, and not to be thought of), or there must be a struggle of all Religions against all?—In this case too, the common hostility of party would be greatly increased by the opinions
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which

which would be intemperately raised upon the superior nature of Christianity itself. The various professions of Religion among us have one general and fixed persuasion of the heavenly origin of their common Gospel. This vital sentiment, therefore, of the truth of Christianity, substantially considered, will be apt to accompany the particular mode of teaching it ;—and doubtless it is to this we must attribute much of that unhappy and of that opinionated zeal which the history of our own country, as well as the rest of Christendom exhibits to us. Each of our sects will call itself the true religion, and promote its own advancement with a vehemence proportioned to its assumed character ; and thus, through the mere force of a good principle ill applied, a sanctimonious heat will inflame the common animosity of party views. If argument will not effect the submission of the adversary (and of course it never will), the arm of violence will come to its aid ; and the public tranquillity,—the ever precious object of the State,—will be sacrificed to religious tumults. Such must be the consequence of the fatal liberality which you seem to entertain ; and we shall be the prey of a warfare doubly pernicious, on account of the connection of a supposed holiness with the rights for which it contends. But there is another thing. If this supposed right is to be universally indulged, because it exists ; is it not equally obvious, that while it destroys the rest of any one establishment, it must also destroy the establishment itself ?

An established Church must ever be attended with certain temporal advantages ; and the very sight of these, when there is no barrier to protect them, will inflame the desire of ascendancy in every sect. Cupidity will here be farther ingrafted upon zeal, which, as we have already seen, has a tendency in itself to aggravate the common mischiefs of party.

And,

And, unless the rival sects are all checked by the presentation of one common test, a mere establishment must add to the former evil; and the State will be more and more distracted, through the increased temptation which each party will now have of entering into the administration of the country, and turning the tide of power and profit towards itself. The certain prospect of these mischiefs alone (for I will not enter into the consideration of more) ought to limit the use of this right, even if it existed: and, if well considered, it would equally satisfy the conscientious Papist and the honest Dissenter. It may also serve to convince those whom I must call the half-reasoners on this question, who would preserve an establishment but abolish the Test, that their project is impracticable. The two things have an essential and inseparable connection, and the attempt to maintain the one without the other is as full of danger as of fallacy.—But I now change the argument, and deny the existence of the right thus pleaded. Under the connection of the Throne with the People in the bonds of Society, what are their mutual rights and duties? The rightful claim of the Sovereign is the *obedience* of the subject. But if the subject discharges his duty, what is the rightful claim which he enjoys in return? *Protection*. In these two words is contained the general description of their relative obligations. But of what nature is the entrance into offices of honour and profit? It goes beyond the mere benefit of protection, and becomes an actual reward; and it has been well observed, that this is a principle, on which no human government ever did, or ever could regulate itself; since universal protection may be afforded through the uncontrouled direction of the public force which the Sovereign enjoys; but universal reward is impracticable, through the deficiency of human means. But it is also true, that
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where the general practice of a principle is incompatible with the very nature of society, the principle itself is unacknowledged; unless, indeed, we still please ourselves with nugatory titles to benefits not to be enjoyed.—Whatever, therefore, may be absurdly boasted of the claims of the man of nature superior to our own, because said to be more free; the laws of society have another foundation,—a foundation more sure, because more circumscribed. The Throne affords a general security, no where enjoyed by the man of nature;—and would to God this were more commonly considered as involving one of the greatest rewards which civil society is capable of conferring!—But in order to effect this security, the Throne must have a discretion to exercise upon the means of it;—yet within the legal restraints of our Protestantism. Having the care of the public peace, the final sanction of all proposed laws, and the sole execution of them thus sanctioned by himself, the appointments of the Sovereign are the unavoidable effects of his constitutional prerogative. And if they are conferred on men personally, as well as legally qualified, for the duties of them, he is justly free from all interruption or murmur on the part of his subjects at large. But this same caution which binds his Majesty amidst the very freedom of his choice, must also attach to him in the guardianship of Parliament itself; and while his voluntary appointment of his counsellors is restricted to the legal qualifications of Protestantism, he cannot, without contradiction, consent to wave the necessity of the same qualifications in the character of Parliament which is his great council. And thus is the mere favour, through which his appointments flow, reconciled with the law which yet requires that the objects of his condescension shall be found within the pale of that Church which is established by law.

And

And hence it appears, that if protection is duly afforded to its subjects by the Throne (as every one knows it to be among ourselves) the duty of the Throne is fulfilled, and the universal right to reward is at an end. And if so, the complaint of exclusion as an invidious penalty against any particular class of subjects, is also at an end. There can be no penalty in the case, and therefore none of that injustice which is so insidiously coupled with it. For it is an everlasting truth, that not to receive a reward is not to suffer a punishment. Yet in spite of this, we have of late heard again of the "original rights" of the Catholics, from one whose strong language in favour of their claims makes us tremble for his no less strong attachment to the Revolution by which those claims were intended to be silenced for ever. It is not a little consoling to have an adversary, whose powers of mind are generally set in motion, only to lead themselves astray from the point in which they would annoy us; and whose well-timed indiscretions so pleasantly revenge us upon the mortifying superiority of his talents!

There is still another thing to be noticed before this part of the subject is closed. Every man will allow, that though all the subjects of the Crown should have free access to the solicitation of offices under it, the Crown has still the right of personal preference, without being liable to question from any quarter. Has it not, therefore, the same right of maintaining a law which prescribes, by some general and collective token, what persons shall be admissible to the management of its concerns, and what not? If the Test did not exist against the principles of all Nonconformists in a body, the exclusion of them might yet be effected by individual rejection,—a power which the Crown can never lose. But the present method is at once summary, and less invidious than the other. The law, which,
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while it restrains his Majesty's appointments to Protestants of the established Church, secures his prerogative in the free selection from the whole body of such Protestants,—this law, I say, is beautifully analogous to the other laws which take from the King the guilt of public evil, clothe him with a constitutional perfection, and thus shield the Throne from the effects of popular vengeance. It secures the Sovereign from the passions of the disappointed and enraged individual, and while it performs a national service, it also prevents a personal mischief.

I shall now pass on to the other objection which I promised to notice. This is urged by a party who do not indeed profess to attack the right of a restraint in the hands of Government, but merely fix their reprobation on the impiety of applying the sacramental test to civil purposes.

The law cannot be reasonably charged with profaneness in requiring those who wish to serve the State to give a characteristic proof of attachment to the Church. In its standing orders to all the members of its Communion, the Church already requires that the Sacrament of the Lord's Supper shall be received by every person "three times at the least in every year."—What then is done by the State? It requires a receiving at any one time within twelve months previously to the admission to Corporations; and of course, a proof of having communicated within that time, though there was no expectation in the party of succeeding to the office which he afterwards obtained,—was to be in itself a sufficient test of the qualification for it.—It is also prescribed, that the Sacrament shall be received within three months after admission to civil and military offices, &c. Is this any novelty, to which the State forces the subject, so as to violate his conscience? Far from it. On grounds which have been already explained, it wants none but

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members of the established Church to fill its offices. Accordingly, it does but take up the previous views of the Church itself. It knows that the receiving is already frequent, and indeed in some cases far more frequent than would be requisite for concurrence with its public purposes; and that there are other penalties already in force, in case of disobedience or omission of so important a Christian duty. The State, therefore, only lays hold of that token of Church attachment which the members of it are presumed to be in the constant habit of giving; and if so, it cannot be charged with throwing a novelty or a profanation purposely in mens' way. For if a Test thus prescribed is to be rejected as impious, so are all those Church regulations which enjoin frequent Communion as essentially necessary to salvation.—But the blame is urged amidst a total disregard of the manifest object of the State. It knows itself to be Christian; and its wish is, not to be served by men at large (as is vulgarly contended for) but by Christians; and those, Christians of the particular Church which it has already established, and with which it has entered into compacts for the preservation of the peace and prosperity of both.—And here is the analogy which our laws so carefully maintain between our patriotism and our faith. But it is still urged, that the Test thus required is frequently profaned, and causes unnecessary perdition of souls.

No man can lament more sincerely than myself that ruinous participation of the Sacrament, on which the worldly and the profligate occasionally venture. But what is to be done? Must the general guardianship of the State by the Test be abandoned, because some men will be so rash as to break through it? In the name of public order, what is to become of us, if this is right reasoning? Every protecting law is violated perhaps by somebody. But in order to save persons from iniquity, must we
take

take away all the fences of the State as well as of the Church, and lay open every thing that is dear to us, to the invasion of the daring and unprincipled? This is at once childish and wicked; and while it sacrifices the better part of society to superstitious fears, it does but offer a larger power of mischief to the iniquity of the rest by the abandonment of the State to their unchecked and unprincipled guidance.

That this mode of defending the Test is a reasonable one, is evident from the application of it to the taking of oaths. We are but too sure, that property is sometimes acquired by perjury; the property of estates, for instance, whose titles are determinable by oath. What then? Is it impious to require an oath, because those who are already villains, will add perjury to their other crimes? No. And it has been forcibly observed by Sherlock, that the Legislature, by demanding an oath, may as well be charged with the perjury of all false swearers, as, by the institution of the Test, with the hypocrisy of all corrupt communicants. Indeed, the case is more favourable on the side of the Test: for oaths are only taken by the law of the State; but the Sacrament would be administered, under other penalties of neglect, whether the State required it for civil purposes, or not. In short, the general operation of the Test is peaceful and salutary; and though profligate individuals will not scruple to incur the guilt of receiving unworthily, the nature of the law is not impeached by such criminality in them: for, though the sin is proved through the law, it is not to be charged upon it: As an Apostle once concluded of the law of God, "though sin had not been known but by the law, yet the law is holy, and just, and good." The profligacy of the determined offender is still to be charged to himself, and his blood must be "on his own head."—Only

one question more remains to be asked. The objectors are themselves Christians: and as such, in the habit of receiving the Sacrament. What if the entrance into offices, &c. were free to them on condition of receiving according to the rites of their own Churches? Is it to be imagined that they would refuse employments if offered on such terms? Would they suppose it a duty to take the Sacrament as common Christians, but a sin to touch it when they happen to be Christians about to enter into places of trust and power?—If this were so, it is obvious that no public man could be saved.—But, in truth, the objection does not go to the participation of the Lord's Supper, substantially considered. The secret grievance is concerning the *mode* of Communion. And here the question is brought back again to its original shape. The Christian of the established Church is alone admitted, because he alone will receive according to the rites of that Church. The charge of profaneness is therefore at an end: for the Communion itself is no longer the matter in dispute; and the disinclination to the Test proves to be nothing more than an unwillingness to comply with the forms employed about it. But if impiety dwells not in the substance of the thing, neither can it be found in its attendant ceremonies.

I have the honour to be, &c.

FABIUS.



LETTER VI.

THE present Letter will finish the trouble I give you in this address. It may be deemed superfluous perhaps

perhaps to say any thing concerning the Coronation Oath, after the legal discussion already bestowed upon it. But there appears to be a mode of interpreting it, which is so very reasonable, that I cannot refrain from stating it. Besides, it will have the advantage of removing one of the chief difficulties which have been raised against the application of the Oath.

The Coronation Oath was framed at a time when all men were anxiously expecting that fixed tranquillity in Church and State, of which they had been so long deprived. While, therefore, it looked to the future, and by the wisdom of its provisions gave the nation a general and permanent security for the conduct of the Throne, it necessarily reverted to the past; and the peculiar evils of the late reign were the point from which was to spring a different administration of affairs for the time to come.

What had been those evils?—There were two in particular, whose extensive and pernicious consequences demanded some special corrections. 1. The dispensing power, by which the proper agency of the laws over the subjects at large had been interrupted or perverted; and, 2. Popery, by which the rights and interests of the Protestant Church, as established by law, had been particularly invaded. The oath is divided into three branches, so as to afford the specific remedy to these evils. The two first comprehend the civil interests of the State, which had been injured in a double manner. The third is concerned with the doctrines and privileges of the Church, and contains a general demand upon the Sovereign to maintain for ever the principles of the Reformation; and a specific one to guard the personal rights of the Clergy;—the Church having suffered in both these ways. A short paraphrase of the chief meaning of each of these branches will

more clearly show the propriety of this interpretation.

1. "Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the Statutes in Parliament agreed on, and the laws and customs of the same?"—That is, will you allow the statutes of Parliament, whether already made, or to be duly made hereafter, to take their free course, not interrupting their application or perverting them from their proper objects, by any assumption of that dispensing power which King James employed, for private and corrupt reasons, as well against the Test, as against other Acts?

2. "Will you, to your power, cause law and justice, in mercy, to be executed in all your judgments?" That is, will you observe the same conduct towards your courts of law, which you have just promised towards the law of Parliament? Will you promote substantial justice, tempered only with that mercy which is without personal favour or affection? And will you promise not to bias your Judges (as King James notoriously did) in order to oppress the innocent?—Here ends the civil part; and its proper object is to maintain the laws of Parliament, and purity of judgments in the courts of justice,—the rights of the public being vitally concerned in them both. The ecclesiastical part follows;—not that the Clergy are not comprehended in the former part; but since they are not only civil, but spiritual subjects, their rights require an additional maintenance on that account.

"Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant Reformed Religion, as established by law?—And will you preserve unto the Bishops and Clergy of this realm, and
" to

“ to the Churches committed to their charge, all such
 “ rights and privileges as by law do or shall appertain
 “ unto them, or any of them?” That is, will you
 maintain, for the spiritual benefit of your people at
 large, the pure principles of the Reformed Church,
 through that authority which is now vested in you
 as its supreme head upon earth?—And will you pro-
 tect the Clergy more especially in their professional
 rights, which King James had violated? And, in
 addition to the laws now existing in their favour,
 which you bind yourself to maintain, will you far-
 ther protect them, according to such other laws;
 analogous to the former, as circumstances may ren-
 der necessary to be made for their more effectual
 support hereafter?

A recurrence to the transactions of Parliament
 previous to the framing of the oath, will shew the
 proper grounds of this interpretation. As to the
 first branch, the law of Parliament, we find the
 complaint which led to the framing of it in the
 Declaration of the Prince of Orange, upon which
 the Declaration of the two Houses, and their subse-
 quent proceedings were founded. Having spoken of
 those “ evil counsellors” who had perverted the
 King’s mind, it says, “ They did invent and set on
 “ foot the King’s dispensing power: by virtue of
 “ which they pretend, that, according to law, he
 “ can suspend and dispense with the execution of
 “ the laws that have been enacted by the authority
 “ of King and Parliament for the security and hap-
 “ piness of the subject.”—And this is resisted on
 the strong ground, that the same authority which
 made the laws is necessary to the repeal or suspension
 of them.

As to the second branch, the judgments of the
 courts of law, we find the foundation of it in com-
 plaints of a specific nature. The “ twelve judges”
 had already been reprobated, as if they had thought
 it

it "in their power" to "offer up the laws, rights, "and liberties of the whole nation to the King, to "be disposed of by him arbitrarily," &c. And it is added, that "a great deal of blood has been "shed in many places of the kingdom by Judges go-
"verned by those evil counsellors, *against all the*
"*rules and forms of law,*" &c.

As to the third branch, the doctrines of the Church and the rights of the Clergy, we see that the Declaration states, in the strongest manner, those grievances which the oath is calculated to remedy. It talks very feelingly of "the dismal effects of the "subversion of the established religion, &c. in "England;" and these are counteracted by the general promise from the Sovereign, that he will for ever maintain the genuine principles of the Reformation. It adds to this the personal grievances of the Clergy, which were excessive and almost without number. Their oppression had been occasioned by the establishment of a "Court of Ecclesiastical Com-
"mission," superseding them in the exercise of their common rights. It appears that the names were given into this Court of all the Clergy who would not read the King's insidious declaration for "liberty "of conscience;" that the Bishop of London and others were "suspended" by its unlawful authority; and, that the Archbishop of Canterbury, and those who acted with him, were imprisoned for "pre-
"sented a legal petition."

And these particular injuries are remedied by the specific promise to guard and increase, if necessary, the personal privileges of the Clergy. And from the whole it may be observed, that future legislation concerning ecclesiastical rights is not prohibited. It is only directed in the channel in which it shall run; for the King is required to maintain the Clergy and their Churches "in all such rights and privi-
"leges *as by law do, or shall, appertain to them.*" His
Majesty

Majesty may assent to new laws, provided only that they be made in favour of the established Church. As was just now said, these new laws must be analogous to the former ones passed in its behalf. The present laws he is bound to maintain, though no new ones should be made: but if additional ones are necessary, the "rights and privileges of the Clergy and their Churches" must be the exclusive and invariable objects of their favour. And it is of infinite consequence to fix the obligation of the oath upon this ground; for, in the loose acceptation of it, which generally prevails, that is made a mere sentiment, which ought to have a fixed meaning and an absolute cogency. It is supposed that his Majesty will not assent to the demand made upon him for the Catholics, because he *thinks* that his compliance will violate his oath. This is not enough. Some future King may *think* that a compliance will not violate it. But the obligation is of a more positive nature: and his Majesty *knows*, from the very terms of the oath, that he cannot assent. He *knows* that the "rights and principles" of the established Church must be the favoured objects of the new law. And, until it can be proved, that to put Nonconformists upon the same footing with the Church, which has hitherto been maintained upon the express terms of their exclusion, is to preserve the rights and privileges of the Clergy;—until this is done,—which never can be done,—to assent to their admission is to violate, in the most certain and unavoidable manner, the express conditions of the Coronation Oath. And, doubtless, it is His Majesty's good sense, and his lively feeling of religious impressions, which have conveyed to him this positive meaning of the solemn pledge which he has given to the Church, and inspired him with the firm resolution to maintain it.

It has been before said, that to refer to the pub-
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lic proceedings at the commencement of the Revolution, is to obtain the best clue for the interpretation of the oath; and I hope that the discussion which has followed it has justified the assertion.—It was also said, that this retrospect would remove one of the chief difficulties which have been raised against the application of the oath.

Mr. Butler has argued, that the oath, by referring only to the system then in force in Ireland, meant to preserve things as they stood; and as Papists were in possession of Parliament, the public offices, &c. in that country, it was not intended to throw them out. He does not seem to be aware, that his argument *for* the Catholics in Ireland, is an argument *against* them in England. If they were in Parliament in the former country, at the period in question (for King William had not time as yet to turn them out), it is certain that by law they were not so here; for the new Test Act, 30 Car. ii. while it made a general exclusion of Papists, allowed only one exception in favour of the Duke of York. Mr. Butler himself proves, therefore, that they never can be admitted in England; because, says he, “the Coronation Oath can only refer to the system of law “ which was in force when the act which prescribed “ it was passed.” If so, the Catholics are for ever excluded from the Parliament of this country; and Mr. Butler confutes himself in proportion to the strength of his own argument. But, indeed, the oath stands upon stronger grounds, which have been already explained: and to prove that it was not meant to continue the Papists of Ireland in their then situations, it is only necessary to recur once more to the Declaration of the Prince of Orange, and that of the two Houses of Parliament, which repeats the abuses already mentioned in the former, and specifies several others.—“ The dismal effects of “ this subversion of the established Religion, Laws, “ and

“and Liberties in England, appear more evidently
 “to us by what we see done *in Ireland, where the*
“whole Government is put in the hands of Papists.”—
 Here is a specific complaint against the very thing
 which Mr. Butler wishes us to regard as permanent
 and constitutional. He affirms that the oath meant
 to spare the Catholics in the Parliament of Ireland:
 but the declaration of the very persons who drew
 up or assented to the Coronation Oath, openly states
 that the Catholics, ought not to have been there, and
 that their possession of Parliament, &c. was (what
 it really was) a grievance and an usurpation!

I will notice but one thing more. It is another
 assertion of Mr. Butler, which has not yet received
 its proper censure. He endeavours to obviate the
 objection made to the Catholics that they acknow-
 ledge the spiritual supremacy of the Pope. And
 how does he set about it? By stating a general
 maxim which, as he well knows, tacitly involves
 the condemnation of the very principle on which
 our Reformed Church is established. “The whole
 “claim of the Governments of the earth,” says he,
 “begins and ends with temporal power: *that no*
 “Catholic denies them, and, more than that, no Go-
 “vernment can claim.”—Yes, Mr. Butler, a tem-
 poral Government *can* claim more than that. The
 English Government *does* claim it, both in right and
 in fact. At this moment it possesses the spiritual
 effect of its claim, and has possessed it from the
 time of the Reformation. The Constitution of the
 Church and the State too (for they are essentially
 conjoined) depends on the preservation of this claim.
 This you must know: I hope it is not on that ac-
 count you wish to set the claim aside. What was
 the law of England which declared to the world that
 a temporal Government *could* claim somewhat more
 than temporal power? By 26 Hen. VIII. c. 1. it is
 expressly declared, that “the King, his heirs, and
 “successors

“ successors, shall be taken and reputed the only
 “ Supreme Head in Earth of the Church of Eng-
 “ land, &c.”

I need not enter into the farther assertion of this claim by the 1 Ed. VI. c. 12, by the 1 Eliz. c. 1, or the settlement at the Revolution. The language of our statutes, in this respect, accords with the language of the Articles of our Church, which declare (Art. 37) that “ the chief government of all “ estates of this realm, whether they be ecclesiastical “ or civil, appertains in all cases to the crown.”— But what is the language of Mr. Butler? That “ the whole claim of the Governments of the “ earth begins and ends with temporal power ;— “ and more than that no Government can claim.” This is the genuine substance of the old declarations of the Popedom to the nations of the earth, in the plenitude of its spiritual assumption : and I beg to turn the attention of those persons to it, who have so easily talked to us of the mitigated spirit of the Romish doctrines, and the consequent safety of the admission of Catholics to any situations of trust or power. No. The spirit of Popery (whatever may be its outward circumstances) is eternal ; and what Hildebrand might well be supposed to say, is at this time asserted, with equal positiveness, by Mr. Butler. This too is his offensive declaration, in the very moment of soliciting a boon at the hands of the Government which he wishes to degrade. He accuses the Constitution, and denies the power of that country, from whose fatal grant alone he can obtain the gratification of his own desires, and the accomplishment of our ruin both in Church and State.

And now, Sir, I return to you, with whom I first set out. You have been impelled to the support of the Catholic cause, by very various means. You have

have been tempted by the apparent friendship of the applicants towards the Constitution as now established in Church and State. Lest this should not suffice, you have been threatened with the formidable displeasure of an important part of His Majesty's dominions, if you any longer refused your assent to their demands. And that nothing might be wanting to your conviction, the force of terror has been seconded by perhaps the greater force of flattery—Oh! cingite baccare frontem—Compliments have been poured, with equal truth and artifice, on the powers of your mind, and the liberality of your sentiments. And, finally, your name has been most obligingly coupled with that of Mr. Fox,—a gentleman, with whom to be associated in the soundness of his political views, and the unerring judgment with which he never fails to conduct them, is, beyond all doubt, to touch the supreme point of public wisdom and public estimation!

But to be serious. You have hitherto, Sir, maintained your credit with the nation, by your standing dissent from the conduct and doctrines of those who seem to treat the public welfare with no small degree of perverseness or laxity. Do not betray yourself at the last; nor let any insidious commendation tempt you to unite your Catholic efforts with the attempts of one, a concurrence with whom is generally a disagreement with every serious and well-judging person. The Protestant cause (in spite of the apparent indifference about it) is, if I may so call it, the *sensorium* of our country. Respect, Sir, its vital feelings. Recede from too alarming a touch; and, for your own sake, as well as for that of the public, abandon an attempt, in which your personal reputation is equally endangered with the common tranquillity.

With

With the sincerest wishes for your happiness, and every proper apology for the liberty which the public welfare has impelled me to take with you,

I have the honour to be,

Sir, your's, &c.

FABIUS.

APPENDIX.

THE
SPEECH
OF
THE RIGHT HONOURABLE
William Pitt,

ON a motion made by MR. FOX, in the House of Commons, on the 2nd of March, 1790, for the House “to resolve itself into a Committee of the whole House, to consider of so much of the *Test and Corporation Acts* as requires persons, before they are admitted to any Office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord’s Supper, according to the rites of the Church of England.” —Taken from WOODFALL’S REGISTER of the 3d of March, 1790.

MR. PITT began with declaring, that he could not avoid offering himself to the Speaker’s eye, at that early period of the debate, wishing, as soon as possible, to reply to the Right Honourable Gentleman opposite to him, with whom upon his general principles and ideas of Persecution and Toleration, he, and every other must fully agree; but with whom he disagreed in the extent, to which he conceived, if he rightly understood the Hon. Gentleman, he seemed inclined to push those principles. He said, he meant that day to state his objections to the motion then before the House as distinctly and explicitly as he had twice before stated them; and he would also assure the House, what were the opinions which he now entertained, that served to strengthen and confirm him in his former opinion on the question. He felt himself and considered the House

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to be likewise under very great obligation to the Right Hon. Gentleman for his having cleared away the mystery in which the object of the Dissenters had been enveloped; he had fairly and openly exhibited to the House the full extent to which the Motion was meant to be carried, and made it evident that the point at issue between them, simply and plainly was, whether the House should or should not, at once, relinquish those Acts which had, by the wisdom of our ancestors, served as a bulwark to the Church, the Constitution of which was so connected and interwoven with the interests and preservation of the Constitution of the State, that the former could not be endangered without hazarding the safety of the latter? He had heard with approbation the Right Hon. Gentleman's general arguments against Persecution, and in favour of Toleration, but he was surprized at the latitude of definition to which he seemed inclined to carry Toleration; an extent of definition which it would not bear, and which he was convinced had never before been given it from the beginning of the world. *Toleration by no means could be considered as equality; it differed from persecution, and it differed from an establishment; to avoid and abstain, no man could be more ready to consent, and he was equally willing to grant every protection of the laws in support of the religion and property of individuals; but the necessity of a certain, permanent, and specific Church Establishment, rendered it essential, that toleration should not go to an equality, which would endanger the establishment, and thence no longer be toleration.* The extent of the Right Hon. Gentleman's principles, he said, went to the admittance of every class of *Dissenters to a full and complete equality, and even to the admittance of those who might conscientiously think it their duty to subvert the Established Church.* The Right Hon. Gentleman's principles went not only to the admittance of Roman Catholics, but Papists properly so called (and he observed there was now a material distinction between the two) the latter acknowledging the supremacy of a foreign, though an ecclesiastical Prince, who, according to the Right Hon. Gentleman, with all the odious, detestable, and dangerous opinions that belonged to his Church, ought not to be kept out of the most important and official situations, before the Commission of some Overt Act against the Constitution, manifested by force of arms in the open field, by which the policy of *prevention* would be done away, and a dangerous door opened to the absolute ruin of the Constitution. The Test and Corporation Acts, the Chancellor of the Exchequer said, had been wisely adopted to secure the Constitution, and had it not been for them, the family of Stuart might have been at this day in possession of the Throne, and the Right Hon. Gentleman not have had an opportunity to state those opinions in the House, which the House had that day heard. The Right Honourable Gentleman, he said, was mistaken in his assertion that no religious Test was taken by Members of the Legislature. Every Gentleman present had taken a religious Test, by making

making a solemn appeal to Providence, when he took the oath against Transubstantiation, which was purely religious; and the Oaths of Allegiance and Abjuration were partly civil and partly religious. He urged the propriety and advantage of these Tests, and contended that all Governments adopted a Test of some kind or other; but that in a country like this, where the Monarchy was limited, it was particularly necessary that the Executive Power should be admitted to exercise a right of discrimination into the fitness of individuals to fill those stations for which the Executive Power was responsible; the necessity of public Offices for the benefit of the public at large justified a distinction in the distribution for the same reason, namely, the benefit of the public; the idea of a right in any then to fill these offices, was ridiculous, no such thing could exist, nor could it be so Parliamenterly argued by any man, unless that man was ready to contend that offices were created for the benefit of the holders, and not as a trust for the public; and also to contend, that the money paid those who held them, was rather to be raised by the way of Lottery, than paid out of the public revenue. In our mixed Constitution, the appointment of offices necessarily and naturally rested with the Executive Power, over which the Legislature had made a wise application of limited Monarchy, by a restriction on the Monarch in the disposal of those offices. Mr. Pitt here put the case of a small Republic, where, if a certain description of persons, holding religious tenets fundamentally dangerous to the Constitution of the Republic, were admitted to offices of trust, the Constitution of that Republic must necessarily be undermined, if no check of some nature or other were applied. The Right Hon. Gentleman entered into a comparison of the qualifications necessary for the electors and elected, and those which were deemed necessary to qualify persons for offices. He considered the Test as a sort of jealousy for the Monarch, which was never considered as unconstitutional; the persons kept out of office by that Test were not in any sort stigmatized, nor had they a juster right of complaint than those who were kept out of that House, or from voting at elections, in consequence of their being by statute disqualified from the right of an elector. In private life, it was a common policy for no man to admit another to the management of his affairs, if he did not think well of that man's principles; the same policy kept good in States; it was, therefore, no usurpation in the Government, if not approving of the political opinions of the Dissenters, they excluded them from office. He agreed with the Right Hon. Gentleman that the merits or demerits of individuals were not to be considered in the discussion of the present question; he could not avoid, however, remarking a little on the conduct of the Dissenters, who, at the moment they were reproaching a Test, had pretty publicly indicated an intention of forming associations throughout the whole country for the purpose of putting the Mem-

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bers of that House to a Test, and of resolving to judge of their fitness to fill their seats by their votes on this single Question. They had explained themselves since indeed, and declared, that they never meant to put a Test to any one; in the explanation, however, it appeared that they had retained the substance, though they had done away the word; for in the Resolutions of their meeting, signed by Mr. Jefferies, it was declared that they meant to give their support to such members who proved themselves to be friends to religious and civil liberty, the true meaning of which general terms must strike every man. It was evident the Dissenters would not consider any one a friend to religious and civil liberty, who did not vote for the repeal of the Test and Corporation Acts: In his opinion, therefore, they came with an ill grace to solicit the Repeal of a Test, when at the same moment they threatened the House with one.

The Question of Right in the Dissenters to fill offices, he conceived he had entirely done away; that being the case, it had to rest upon its only true grounds, its expediency and policy; and to decide on this Question, he would divide it into four parts, and ask, 1st. Whether an Establishment was not necessary, and materially connected with the State? 2dly. Whether the Dissenters are not likely to exercise power if they were in possession of it? 3dly. Whether the Repeal of the Acts would not give them that power? and, 4thly. Whether any and what practical inconveniences the Dissenters laboured under by the Test and Corporation Acts, and whether those Acts could be repealed with safety to the Established Church? It was not, the Chancellor of the Exchequer said, necessary for him to trouble the House with an argument to prove, that there ought to be an Established Church, as that was admitted on all sides of the House, and even the Right Hon. Gentleman had almost said, in express terms, that it was *necessary*, but, on recollecting himself, had declared an Established Church to be highly useful and advantageous; nor need he, the Chancellor of the Exchequer said, enter into a panegyric on the present Established Church, as that had also been done so ably in a few words by the Right Hon. Gentleman, who had justly observed that it was equally devoid of all unnecessary exterior ceremony, and had nothing of superfluous enthusiasm or superstition in its interior rites. He need not, he said, trouble the House to prove that the Dissenters would exercise power if put in possession of it, since the possession of power always produced the inclination to exercise it; and, without meaning to throw any stigma on the Dissenters, *he could not hesitate a moment in supposing it probable that they might feel inclined to exercise their power to the subversion of the Established Church; it would be so far from reprehensible in them, that, possessing the principles they profess, and acting conscientiously upon those principles, it would become their duty, as honest men, to make the endeavour; for*
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those who considered the Establishment to be "sinful, and bordering on idolatry," would not act conscientiously nor consistently, unless they exercised all the legal means in their power to do away that idolatry. He would not, the Chancellor of the Exchequer said, enter into the letters of Bishops, or the Sermons of Dissenting Ministers, but he fully agreed with the Right Hon. Gentleman, that it was their duty to confine themselves to good order, to the inculcation of virtuous principles, and that their only competition ought to be, a competition of who should lead the most exemplary lives, and evince the greatest purity of precepts; in fact, who should, by their preaching and their practice, conduce most to further the purposes of truth, piety, virtue, and morality. The Church, he said, ought to render services to the State, by meliorating the morals of the people; it was calculated so to do by the form of its constitution, which was most congenial to the civil constitution of the country, and agreeable to its mixed monarchy, the balance of which would be deranged, were any of its parts lessened or increased in power. The security for the safety of the Church was, he observed, in existence before the Revolution, at which time it was stated to have commenced by the Right Hon. Gentleman; but had it not been for those guards existing before the Revolution, the Revolution would probably have been stifled in its birth. He did not think, he said, with the Right Hon. Gentleman, that were Dissenters successful in this application they would be desirous of proceeding no further; for those of that body who stood foremost in this application, and whose names were most frequently mentioned, did, by their declarations, absolutely contradict the promise of the Right Hon. Gentleman, some among them having openly declared their disaffection to the Constitution of the Church. There was sufficient ground then for alarm from such declarations, and it was the duty of the House to stand against the danger; in so doing, however, he would not refuse the Dissenters any right that belonged to them, nor refuse them any harmless regulation they might request, or any regulation which clearly led not to dangerous consequences. The simple Question then before the House he conceived to be, Whether an Establishment was or was not necessary? The House would not hesitate to declare in the affirmative; nor would they hesitate a moment in agreeing, that to maintain such an Establishment, certain dues were to be collected: if, however, the House should agree to the present relief solicited by the Dissenters, the next application would be to have an exclusion from Church Dues, to which every single argument offered in support of the present Question would equally well apply. When the Dissenters, about fourteen years back, obtained what, if he understood the Right Hon. Gentleman correctly, he considered to be a completion of that toleration which the Right Hon. Gentleman held not to have been completed before, it was de-

clared, both in and out of that House, that they meant to proceed no further, and Dr. Kippis, in his Letter, at the time upon the subject, said, that Dissenters required only a toleration in the respect in Question, and that granted, they would ask no more of the Legislature, but would retire to their closets and their books. Dr. Kippis, it was to be recollected, was a man of no inconsiderable rank and esteem among the Dissenters. This the Chancellor of the Exchequer said, he considered a good argument to press upon the House to shew them that by the professions of the Dissenters, it was not to be judged with what they would be contented, or how far they might wish to proceed. The repeal of the Test Act in Ireland was not in point to the present Question; since having been repealed only five years since, it had not been repealed long enough to judge of its effects by experience; nor was the Church of Ireland in the same situation as the Church of England, for though the number of its followers was comparatively small to the people of the country, it had a security in the number of Catholics, being as six to one over the Dissenters: Nor was the Right Hon. Gentleman's observation on the Kirk of Scotland to the point; in the first point, the Test would there be but a very feeble barrier, as the majority of the Dissenters from the Kirk, conformed to their mode of receiving the Sacrament; and in the second point it was safe, the Kirk of Scotland being secured by a solemn pledge, in the Act of Union, to maintain the Presbytery. The Right Hon. Gentleman's allusion to the Church of France before the Revocation of the Edict of Nantz, was equally out of point, no Test was there necessary, for had the times been less bigotted than they were at that period, the Church would have been safe, as the will of the Sovereign was the law.

With respect to America, to which the Right Honourable Gentleman had alluded, the opinions of other men were now pretty general, however much they had been divided during the war; the one party contending that the revolting provinces ought to be coerced to obedience, while another as strongly insisted they ought to be left to themselves, the world, at the same time condemning both, the general opinion being, that England could not exist without her colonies. The event, however, happily proved the contrary to be the fact: in the loss of the thirteen American Colonies this country had lost but little of her commerce, though she had to boast of having lost the expence of preserving the civil constitution of these States. Separated as they now were from this country, he should rejoice if their constitution resembled ours, and gave equal security to the subject for liberty and for happiness. Their Constitution, however, was not the same, either in Church or State. The Right Honourable Gentleman's argument therefore, that no Test existed in that country, was equally distant from the point with the others that he had relied on; America having no uniform established Church, it was clear that she needed

no Test to defend one. The Right Honourable Gentleman has declared that the Test Laws were inefficacious, as the Legislature he observed were obliged every session to pass an Indemnity Act. If the fact had been so, nothing could be more obvious than that the ground of all complaint of oppression ceased, for, according to the Right Hon. Gentleman's own showing, the Law was not enforced; but though the fact was that the law was not always rigidly enforced, the temperate forbearance of Government ought not to be taken an unjust advantage of, nor ought the law to be repealed, its general object being meant for the security of the permanent safety of the Church, and to prevent it from being endangered; when the case did not appear pressing, or imminent, it was not necessary to put those laws in force to the injury of a few individuals; the impolicy, however, of suffering the remedy to such danger as might happen, to lapse and depart from the hand of Parliament, would be gross in the extreme; for should "the laws be once repealed, it might be impossible when the danger was imminent and pressing, to get these laws re-enacted.

Mr. Pitt summed up a very long and most able speech, with declaring, that the repeal appeared to him to be dangerous in every point of view to the Church as now established, and to the Constitution and safety of the country. He then briefly adverted to the heads of the arguments he had offered to the House, and concluded with declaring himself, from conviction, and on true constitutional principles, against the Motion; at the same time deprecating the repeal of the Test and Corporation Acts, as a measure that would tend to originate and encourage a dangerous competition, and most probably occasion the revival of all the mischiefs uniformly attending upon religious party contentions.

Extract from Mr. BURKE's Speech, in the same Debate.

MR. BURKE spoke against MR. FOX's Motion; but he, at that time, acted with him in other matters, and, therefore, wished to defend him against the sarcasm of MR. PITT. The Extract is truly curious and valuable, on more than one account.

"IT had given him concern to observe that the Right Hon. Gentleman over the way had directed a personal sneer at his Right Hon. Friend, in invidiously putting the case, that a man of
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his [Mr. Fox's] bold and enterprising character was to come into power as a Minister, and countenanced the Dissenters, that they might obtain a footing in places of great trust, and thus become capable of endangering the safety of the civil constitution of the State. The manner in which his Right Hon. Friend had opened and argued the question, and the many very weighty arguments he had brought forward in a manner so open and clear, might, he should have imagined, have rescued his Right Honourable Friend from such a sarcasm; he was, he owned, the more surprized, because there had been a Minister, who had formerly had a seat in that House, who had held publicly in the House of Lords, and in the face of the Bishops, a language respecting Churchmen, and the doctrine and ritual of our established Religion, ten times more broad and gross than any thing his Right Hon. Friend had said of the High Churchmen in former days. The Minister to whom he had alluded, had been a man of brilliant talents and acknowledged abilities, a Minister who had directed the government of this country with great glory to its national character, and great safety to the Constitution both in Church and State. The Minister in question, Mr. Burke said, was the late Earl of Chatham, who in the House of Lords had used these words :

“ In the Debate occasioned in the House of Lords, by the second application, Dr. Drummond, the Archbishop of York, having called the Dissenting Ministers “ men of close ambition,” Lord Chatham said, “ that this was judging uncharitably, and that whoever brought such a charge against them, without proof, defamed.” Here he paused, and then went on : — “ The Dissenting Ministers are represented as men of close ambition. They are so, my Lords, and their ambition is to keep close to the College of Fishermen, not of Cardinals ; and to the doctrine of the inspired Apostles, not to the decrees of interested and aspiring Bishops. They contend for a spiritual Creed and Spiritual Worship. We have a *Calvinistic Creed*, a *Popish Liturgy*, and an *Armenian Clergy*.”

Thus, he observed, had that Noble Lord selected the worst names of other religions, and applied them to our Church and Liturgy. The Earl of Chatham, Mr. Burke said, was ever regarded as the protector of the Dissenters, and yet he had never heard that the safety of the Church had been once thought in danger during his Administration. When he died, it was generally conceived that he had left the protection of the Dissenters, with his mantle, to a noble Earl in the other House. That noble Earl had since been at the head of the Government of this country, and the Right Honourable Gentleman over the way had been at the same time in Administration, and no complaint had nevertheless

been made when that Administration ceased, that the Church had been less safe by the noble Earl. An intimate and worthy friend of his, the late Sir George Saville, had also been an avowed friend to the Dissenters ; and yet he verily believed had Sir George Saville ever been First Lord of the Treasury, he would have thought it his duty to protect the established Church, and save it from the least innovation ; it was among the Minister's first duties. The Right Honourable Gentleman, therefore, had no ground whatever for imagining or suggesting, that *if his Right Hon. Friend were to be a Minister, that therefore, he being avowedly a friend to the Dissenters, the safety of the Church would be endangered.*

THE END.

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